

REMARKS

Claims 1-12 are pending in the application. The Examiner rejected Claims 1, 2, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over *Kojima et al.* (U.S. Publication No. 2002/017330) in view of *Jain et al.* (U.S. Publication No. 2002/0193118). The Examiner rejected Claims 3, 4, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over *Kojima* in view of *Jain* and further in view of *Choi* (U.S. Patent No. 6,295,452). The Examiner rejected Claims 5 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Kojima* in view of *Jain* and further in view of *Einola* (U.S. Publication No. 2005/0009518). The Examiner rejected Claims 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Kojima* in view of *Jain* and further in view of *Kim et al.* (U.S. Publication No. 2002/0141349).

Reconsideration of the application is respectfully requested.

Kojima discloses a mobile system wherein a user equipment (UE) communicates by radio communication with a node which is connected to a radio network controller (RNC) and has a target Signal to Interference Ratio (SIR) used in the mobile system in carrying out uplink inner loop power control, and updating of the target SIR is carried out as uplink outer loop power control by the radio network controller provided with a wait-timer which produces a time-out signal when said wait-timer times a preselected time duration after the wait-timer is set.

Regarding the rejection of independent Claim 1, the Examiner states that *Kojima* discloses all of the elements of Claim 1 except for “wherein the target parameter that is adjusted is the target noise rise over thermal noise (ROT).” However, Claim 1 has been amended and is distinguished as follows. Amended Claim 1 includes the recitations of receiving at the RNC from a Node B that controls a target cell a measurement ROT for the target cell and cells neighboring the target cell within a coverage area of the Node B; adjusting the target ROT for the target cell at the RNC according to a relation between the measurement ROT and the target ROT for the target cell and neighboring cells; and transmitting the adjusted target ROT from the RNC to the Node B, providing central-concentrated control to resource scheduling for each of a plurality of Node Bs in the RNC,

these recitations are neither taught nor suggested by *Kojima* alone or combined with *Jain*.

As described above, Claim 1 recites receiving at the RNC from a Node B that controls a target cell a measurement ROT for the target cell and cells neighboring the target cell within a coverage area of the Node B. In contrast, *Kojima* discloses receiving in the node the signal as a desired wave from the uplink dedicated physical control channel and receiving an interference wave from other channels. (See paragraph 0021). In sharp contrast to the present invention, *Kojima* merely mentions interference wave from other channels. However, the present invention specifically claims receiving measurement from cells neighboring the target cell within a coverage area of the Node B. Furthermore, *Kojima* discloses receiving from the node a report representative of a radio condition around the node before the wait-timer produces the time-out signal. (See paragraph 0013).

Kojima is only concerned with the immediate perimeter around the node rather than cells neighboring the target cell within a coverage area of the Node B as claimed by the present invention. *Kojima* restrains receiving the report within a certain time period, whereas the present invention does not. Accordingly, *Kojima* does not teach or suggest the receiving, adjusting, and transmitting steps performed by the RNC as described above.

Moreover, as recited by amended Claim 1, the adjusted target ROT is transmitted from the RNC to the Node B. The Examiner states that adjusting a target ROT for a node is well known in the art. The Examiner further states that *Jain* teaches a given system may have a target congestion level to maintain traffic conditions without interruption, i.e., to avoid overloading and underloading of resources. However, *Jain* merely teaches using a congestion bit that is used to indicate a congestion condition (e.g., see, FIGs. 5A and 5B). This congestion bit is a single bit that indicates a congestion condition. However, as recited by the claims of the present application, the adjusted target ROT is transmitted from the RNC to the Node B. Accordingly, in contrast to that which is taught by *Jain*, Claim 1 includes the added limitation of transmitting the adjusted target ROT that is transmitted from the ROT to the Node B, which is neither taught nor suggested by *Jain*.

Accordingly, *Jain* fails to cure the deficiencies of *Kojima*. As the combination of *Kojima*

and *Jain* does not teach or suggest each and every limitation of Claim 1, the Examiner fails to establish a *prima facie* case of obviousness in rejecting Claim 1. Withdrawal of the rejection of Claim 1 is respectfully requested.

Regarding the rejection of independent Claim 7 under 35 U.S.C. §103(a), Claim 7 includes similar recitations as those contained in amended Claim 1. Accordingly, Claim 7 is patentably distinct for at least the same reasons as set forth above with respect to the rejection of Claim 1. Withdrawal of the rejection of Claim 7 is respectfully requested.

Because neither Kojima nor Jain teaches each and every element of Claims 1 and 7, Claims 1 and 7 are not rendered obvious by the combination of Jain and Kojima or either reference alone. Based on the above arguments, it is believed that Claims 1 and 7 are in condition for allowance. While not conceding the patentability of dependent Claims 2-6 and 8-12, these claims should also be in condition for allowance for the at least the above reasons. It is respectfully requested that the rejection of Claims 1-12 be withdrawn and that Claims 1-12 be allowed.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM, PC
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/EC